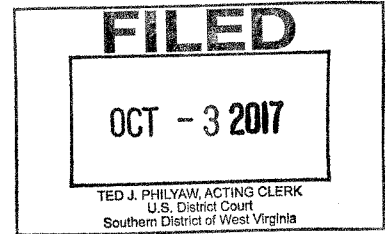


UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON GRAND JURY 2016-1  
OCTOBER 3, 2017 SESSION



UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:17-cr-00083

MISTY DAWN BAISDEN  
DAVID WAYNE YOUNG

18 U.S.C. § 1591(a)  
18 U.S.C. § 1594(c)  
18 U.S.C. § 2251(a)  
18 U.S.C. § 2251(d)(1)(A)  
18 U.S.C. § 2251(d)(2)(B)  
18 U.S.C. § 2251(e)  
18 U.S.C. § 2252A(a)(2)  
18 U.S.C. § 2252A(a)(5)(B)  
18 U.S.C. § 2252A(b)(1)  
18 U.S.C. § 2252A(b)(2)  
18 U.S.C. § 2422(b)

S U P E R S E D I N G I N D I C T M E N T

The Grand Jury Charges:

COUNT ONE

From on or about the March 19, 2017, through on or about March 21, 2017, at or near Delbarton, Mingo County, West Virginia, and in the Southern District of West Virginia, and elsewhere, defendants MISTY DAWN BAISDEN and DAVID WAYNE YOUNG conspired with one another to knowingly entice, provide, advertise, patronize, and solicit, by any means, in and affecting interstate or foreign commerce, Victim 1, who had not attained the age of 14 years, knowing and in reckless disregard of the fact that Victim 1 had not attained the age of 18 years and that Victim 1 would be caused to engage in a commercial sex act.

In violation of Title 18, United States Code, Sections 1591(a) and 1594(c).

COUNT TWO

From on or about the March 20, 2017, through on or about March 21, 2017, at or near Delbarton, Mingo County, West Virginia, and in the Southern District of West Virginia, and elsewhere, defendants MISTY DAWN BAISDEN and DAVID WAYNE YOUNG conspired with one another to knowingly entice, provide, advertise, patronize, and solicit, by any means, in and affecting interstate or foreign commerce, Victim 2, knowing and in reckless disregard of the fact that Victim 2 had not attained the age of 18 years and that Victim 2 would be caused to engage in a commercial sex act.

In violation of Title 18, United States Code, Sections 1591(a) and 1594(c).

**COUNT THREE**

On or about the March 19, 2017, at or near Delbarton, Mingo County, West Virginia, and within the Southern District of West Virginia, and elsewhere, defendant DAVID WAYNE YOUNG knowingly solicited, by any means, in and affecting interstate or foreign commerce, Victim 1, who had not attained the age of 14 years, knowing and in reckless disregard of the fact that Victim 1 had not attained the age of 18 years and that Victim 1 would be caused to engage in a commercial sex act.

In violation of Title 18, United States Code, Section 1591(a).

**COUNT FOUR**

On or about the March 19, 2017, at or near Delbarton, Mingo County, West Virginia, and within the Southern District of West Virginia, defendant MISTY DAWN BAISDEN knowingly advertised, by any means, in and affecting interstate or foreign commerce, Victim 1, who had not attained the age of 14 years, knowing Victim 1 had not attained the age of 18 years and that Victim 1 would be caused to engage in a commercial sex act.

In violation of Title 18, United States Code, Section 1591(a).

**COUNT FIVE**

From on or about March 19, 2017, through on or about March 21, 2017, at or near Delbarton, Mingo County, West Virginia, and within the Southern District of West Virginia, and elsewhere, defendant DAVID WAYNE YOUNG, using a facility and means of interstate commerce, that is, a cell phone, did knowingly attempt to persuade, induce, entice, and coerce an individual, that is, Victim 1, who had not attained the age of 18 years, to engage in commercial sexual activity and any sexual activity for which any person could have been charged with a criminal offense.

In violation of Title 18, United States Code, Section 2422(b).

**COUNT SIX**

From on or about March 20, 2017, through on or about March 21, 2017, at or near Delbarton, Mingo County, West Virginia, and within the Southern District of West Virginia, defendant MISTY DAWN BAISDEN, using a facility and means of interstate commerce, that is, a cell phone, did knowingly attempt to persuade, induce, entice, and coerce an individual, that is, Victim 2, who had not attained the age of 18 years, to engage in sexual activity for which any person could have been charged with a criminal offense.

In violation of Title 18, United States Code, Section 2422(b).

**COUNT SEVEN**

From on or about March 19, 2017, through on or about March 20, 2017, at or near Delbarton, Mingo County, West Virginia, and within the Southern District of West Virginia, and elsewhere, defendants MISTY DAWN BAISDEN and DAVID WAYNE YOUNG conspired with one another to knowingly employ, use, persuade, induce, entice, and coerce a minor, that is, Victim 1, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that the visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

**COUNT EIGHT**

On or about March 19, 2017, at or near Delbarton, Mingo County, West Virginia, and within the Southern District of West Virginia, defendant MISTY DAWN BAISDEN did knowingly make, print, and publish, and cause to be made, printed, and published, a notice and advertisement seeking and offering to receive, exchange, buy, produce, display, and distribute visual depictions, the production of which visual depictions involve or would involve the use of a minor engaging in sexually explicit conduct and which depictions are of such conduct, and such notice and advertisement was transported using a means and facility of interstate commerce, that is, via a cell phone.

In violation of Title 18, United States Code, Sections 2251(d)(1)(A) and (2)(B) and 2251(e).



**COUNT NINE**

On or about March 19, 2017, at or near Ashland, Boyd County, Kentucky, defendant DAVID WAYNE YOUNG, did knowingly make, print, and publish, and cause to be made, printed, and published, a notice and advertisement seeking and offering to receive, exchange, buy, produce, display, and distribute visual depictions, the production of which visual depictions involve or would involve the use of a minor engaging in sexually explicit conduct and which depictions are of such conduct, and such notice and advertisement was transported using a means and facility of interstate commerce, that is, via a cell phone, to a recipient located at or near Delbarton, Mingo County, West Virginia, and within the Southern District of West Virginia.

In violation of Title 18, United States Code, Sections 2251(d)(1)(A) and (2)(B) and 2251(e).

**COUNT TEN**

On or about March 19, 2017, at or near Ashland, Boyd County, Kentucky, defendant DAVID WAYNE YOUNG did knowingly distribute and attempt to distribute to a recipient at or near Delbarton, Mingo County, West Virginia, and within the Southern District of West Virginia, child pornography, as defined in 18 U.S.C. § 2256(8)(A), that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by cell phone, and by using a means and facility of interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 2252A(a)(2) and 2252A(b)(1).

**COUNT ELEVEN**

On or about March 19, 2017, at or near Delbarton, Mingo County, West Virginia, and within the Southern District of West Virginia, defendant MISTY DAWN BAISDEN did knowingly receive child pornography, as defined in 18 U.S.C. § 2256(8)(A), that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by cell phone, and by using a means and facility of interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 2252A(a)(2) and 2252A(b)(1).

**COUNT TWELVE**

On or about April 5, 2017, at or near Delbarton, Mingo County, West Virginia, and within the Southern District of West Virginia, defendant MISTY DAWN BAISDEN did knowingly possess material, that is, computer graphic image files, containing images and videos of child pornography, as defined in 18 U.S.C. § 2256(8)(A), that involved prepubescent minors and which had been shipped and transported in and affecting interstate and foreign commerce by any means, including by cell phone.

In violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

**FORFEITURE**


1. The allegations contained in Counts 1-12 of this Superseding Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. §§ 1594(d), 2253(a), and 2428 and Rule 32.2(a) of the Federal Rules of Criminal Procedure.

2. Pursuant to 18 U.S.C. §§ 1594(d), 2253(a), and 2428, upon conviction of an offense in violation of Title 18, United States Code, Sections 1591, 1594, 2251, 2252A, and 2422, the defendants, MISTY DAWN BAISDEN and DAVID WAYNE YOUNG, shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offenses and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offenses.

3. This property includes, but is not limited to, any visual depictions and any books, magazines, periodicals, films, videotapes and other matter which contains such visual depictions, which were produced, transported, mailed, shipped or received in connection with the violations set forth in this Indictment; any real and personal property constituting or traceable to gross profits and other proceeds obtained from the violations set forth in this Indictment; and any real and personal property used or intended to be used to commit or to facilitate the commission of

the violations set forth in this Indictment.

CAROL A. CASTO  
United States Attorney

By:   
JENNIFER RADA HERRALD  
Assistant United States Attorney